

CERTIFICATE OF PUBLICATION

From THE NEWS-POST
Frederick, Md.

ASSIGNEE'S SALE

of valuable, fee simple, improved real property located in the Woodsboro Election District (incorrectly stated to be in the Johnsville Election District) of Frederick County, Maryland, located in or near Ladiesburg, Maryland. Under and by virtue of a power of sale contained in a mortgage from Smith Bakeries, Inc. unto Farmers and Merchants Bank of Hagerstown, dated January 5, 1978, said mortgage being recorded at Book 1039, page 800, one of the Land Records of Frederick County, with said mortgage being in default and having been assigned unto the undersigned assignee for foreclosure, the undersigned will offer for sale at public auction at the clock tower of the Frederick County Courthouse located at 100 West Patrick Street in Frederick City, Maryland, on

TUESDAY, MARCH 25, 1986

AT 10:00 A.M.

all the following real estate and improvements being subject to the above mortgage:

PARCEL NO. I: All that tract or parcel of land situate, lying and being in Woodsboro Election District (incorrectly stated to be in the Johnsville District), Frederick County, State of Maryland, and more particularly described as follows: BEGINNING at a point being the intersection of the public road known and designated as State Highway 194 (formerly State Highway 71) and that private roadway known as Smith's Lane, and running thence by and with the Eastern boundary of said Smith's Lane a distance of 464 feet to the Northern boundary of the Pennsylvania Railroad right-of-way, thence by and with the said Northern boundary of the Pennsylvania Railroad right-of-way a distance of 375 feet to a point, thence in a Northwesterly direction to a point on the Southern boundary of State Highway 194 a distance of 357 feet, thence by and with the said Southern boundary of the said State Highway 194 a distance of 375 feet to the place of beginning, containing 3 1/2 acres, more or less.

BEING all and the same real estate which was conveyed unto the Mortgagor herein by a deed from W. Cash Smith and Robert W. Smith, dated January 5, 1978, and recorded among the Land Records of Frederick County, Maryland, in Book 1039, page 798.

PARCEL NO. II: All that tract or parcel of land situate, lying and being in Woodsboro District, Frederick County, Maryland, and more particularly described as follows: BEGINNING at an iron pipe on the south margin of the State Highway between Woodsboro and Ladiesburg, said point being at or near the end of the third line of a deed from Finkle H. Birely and Mollie K. Birely to Harry K. Smith and Alice W. Smith, dated October 8, 1951, and recorded in Liber No. 496 at folio No. 359, one of the Land Records of Frederick County, and running thence with the east boundary of said parcel S 22° 36' E, 359.5' to the north margin of the Pennsylvania Railroad, thence with the margin of said railroad N 58° 57' E, 1145.0', thence S 31° 58' W, 133.5' to the margin of the State Road, thence S 70° 15' W, 955.47' to a concrete right of way monument, thence by a curved line, the chord of which being a line S 71° 50' W, 155.8' to the point of beginning, containing 6.287 acres of land, more or less.

LESS all that lot or parcel of land which was conveyed unto Merhl D. Kaufman, et ux, et al, by a deed from Smith Bakeries, Inc., dated August 30, 1957, and recorded among the Land Records of Frederick County, Maryland, in Book 589, page 24.

BEING all and the same real estate which was conveyed unto the aforesaid Mortgagor by a deed from John D. Azzara and Carrie I. Azzara, his wife, dated July 29, 1955, and recorded at Book 549, page 488, one of Land Records aforesaid.

Parcel No. I of the property to the foreclosed and described herein as an unimproved parcel containing approximately 3 1/2 acres, more or less, which is illustrated on Tax Map 34, parcel 77; and Parcel No. II, which is illustrated on Tax Map 34, parcel 40, is improved with a one-story building of cement block construction, having no basement. The building has a concrete foundation with concrete floors, bathroom facilities, an office/store area, as well as a garage and loading platform attached thereto. There is also on Parcel No. II, in addition to the main building, a small auxiliary building, well with pump house, private sewage disposal system and yard surfacing. The main building, which was designed as a commercial bakery, has a built-up roof with copper flashing, gutters and downspouts. There are various heating systems interspersed throughout the main building. The property and improvements are being sold "as is" and pursuant to the description contained in the aforesaid mortgage, deed and other land records, and the successful purchaser will be buying such property in total, regardless of deficiency or surplus in actual computed area and regardless of the condition of the same.

TERMS OF SALE: A deposit of \$25,000.00 of the sale price will be required of the successful bidder at the time and place of sale in the form of cashier's, certified or other check acceptable to Assignee, payable or endorsed to the Assignee. The balance of the purchase price shall be paid within 15 business days of the ratification of the sale by the Circuit Court for Frederick County, Maryland (unless postponed at sole option of Assignee), with interest to be paid on the unpaid balance of the purchase price from the date of auction sale to the date of final settlement at the rate of 10% per annum. Taxes and other public charges and assessments shall be adjusted for current year payment to date of sale and assumed thereafter by the purchaser. All costs incident to the settlement and conveyancing, including, without limitation, document preparation, recording costs and taxes, transfer taxes, revenue stamps, agricultural transfer taxes, settlement fees, notary fees, survey expense (if any), and title insurance and premiums will be at the cost of the purchaser.

Frederick, Md. 3/21, 1986

This is to certify that the annexed *Assignee's Sale*

was published in *Frederick News-Post*

a newspaper published in Frederick County on the following

dates: 3/17-14-21/86

THE NEWS-POST

Per *Paul H. Burt*

Railroad, thence with the margin of said railroad N 57° E, 1145.0', thence S 31° 58' W, 133.5' to the margin of the State Road, thence S 70° 15' W, 955.47' to a concrete right of way monument, thence by a curved line, the chord of which being a line S 71° 50' W, 155.8' to the point of beginning, containing 6.287 acres of land, more or less.

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Parcel No. I of the property to the foreclosed and described herein as an unimproved parcel containing approximately 3 1/2 acres, more or less, which is illustrated on Tax Map 34, parcel 77; and Parcel No. II, which is illustrated on Tax Map 34, parcel 40, is improved with a one-story building of cement block construction, having no basement. The building has a concrete foundation with concrete floors, bathroom facilities, an office/store area, as well as a garage and loading platform attached thereto. There is also on Parcel No. II, in addition to the main building, a small auxiliary building, well with pump house, private sewage disposal system and yard surfacing. The main building, which was designed as a commercial bakery, has a built-up roof with copper flashing, gutters and downspouts. There are various heating systems interspersed throughout the main building. The property and improvements are being sold "as is" and pursuant to the description contained in the aforesaid mortgage, deed and other land records, and the successful purchaser will be buying such property in total, regardless of deficiency or surplus in actual computed area and regardless of the condition of the same.

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Assignee reserves the right to withdraw the herein described property from sale at any time. In the event of default, the Assignee, in his sole discretion, reserves the right to declare as forfeited the deposit of purchaser as liquidated damages; to resell the property at the purchaser's risk and collect any deficiency between the sale herein and the subsequent sale from the purchaser, who agrees to pay any such deficiency; or to pursue such other remedy he may have under Maryland law. The property herein is being sold subject to all Federal, State and County laws and ordinances which may affect the property and/or its use, as well as other easements, restrictions, covenants, conditions and other matters of record which may be superior to the mortgage being foreclosed.

NOTE: For additional information, contact the Assignee or auctioneer:

JOSEPH S. WELTY

Assignee

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662-5155

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